

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**JUNE 16, 2009**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on June 2, 2009, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Dennis Drake, County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

*The Spectrum* was not represented at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor-Approved Claims for Payment for June 3, 2009, through June 16, 2009
- Consideration of Approval of Commission Meeting Minutes: Regular Meetings of May 5, 2009 and May 19, 2009; and Special Meetings of May 22, 2009 and May 29, 2009
- Consideration of Application for Settlement or Deferral of Property Taxes for Danielle Conklin, Serial Number SG-CNT-12-A, for \$193.26
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Approval of 2009 Exemptions: County, Veterans, Blind (attached)

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING /06-09-09**

**CONDITIONAL USE PERMIT EXTENSION.** Review extension for a rock extraction operation within the OST-20 zone, N ½ SE 1/4, Sec. 14, T37S, R18W, SLB&M, generally located 6 miles west of Enterprise. Kendall Gardner, applicant.

**CONDITIONAL USE PERMIT EXTENSION.** Review extension on permission to construct and operate an asphalt plat, within the I-1, Section 1, T40-S, R13W, SLB&M, zone near Pintura. Sunroc/Russell Leslie, applicant.

**CONDITIONAL USE PERMIT EXTENSION** Review extension of a gravel crushing operation in the Pintura area of Washington County. Dana Truman/SUNROC, applicant.

**CONDITIONAL USE PERMIT.** Request permission for a racing event “15 Miler Turn-Around” for a 5k and 15 mile run on August 15, 2009, beginning at 7:00 a.m., generally located 1.5 miles north of Pine Valley on Grass Valley Road. Blue Duck Racing/Bob Hermandson, applicant.

**CONDITIONAL USE PERMIT.** Request permission to establish a temporary sales office for the Whispering Pines Development, 87 lots, on Kolob Mountain. Karl Sorenson, applicant.

**MOTION: Motion by Commissioner Drake to Approve Consent Agenda, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**EMERGENCY SERVICES REPORT / JEFF BAILEY**

There have been three (3) search and rescue call-outs since the last report, including a fire in La Verkin and a missing person in Kolob. All events were resolved successfully, with a total of eight (8) man hours of service donated by the search and rescue volunteers.

**PRESENTATION BY DIXIE REGIONAL MEDICAL CENTER: ANNUAL “GIFT TO THE COMMUNITY” REPORT / TERI KANE, SUZANNE ALLEN, TERRI DRAPER**

Teri Kane, CEO/Administrator of Dixie Regional Medical Center, presented the annual report on the status of the hospital. Suzanne Allen, Governing Board Chairman, also addressed the Commission. Charity care in 2008 was over seventeen million dollars (\$17,000,000.00), compared to fifteen million dollars (\$15,000,000.00) in 2007. A copy of Intermountain’s 2008 Statistics and Accomplishments is attached to these minutes.

**PRESENTATION BY WESTERN COUNTIES ALLIANCE / MARK WALSH, KEN BROWN**

**MOTION: Motion by Commissioner Drake to strike this item. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PURCHASE REQUEST(S) / MARK BLANCH**

- Road Department, road chips ..... \$ 24,000.00

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Gardner to Approve Purchase Request, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RATIFICATION OF MAY 2009 TAX SALE / KIM HAFEN**

Earlier in the year, there were a number of properties destined for tax sale, but only one property was actually sold at the annual May Tax Sale: Serial Number V-2148-A-1-C, with the highest bidder being Jareau Cordell. The property owner was deceased, and correspondence was sent to all family members with no response received until recently. Commissioner Eardley received a phone call from a family member as well, and told him that the process was now closed and the sale is final.

Commissioner Gardner explained that the County receives only the money owed in back taxes, which in this case is three hundred and forty-three dollars and sixty-eight cents (\$343.68); the balance of the bid of four thousand dollars (\$4,000.00) goes to the State of Utah to be held in trust for family members for one (1) year and is then transferred into a fund for surplus property.

**MOTION: Motion by Commissioner Drake to Ratify May 2009 Tax Sale, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2009-975-O, AN ORDINANCE CHANGING THE ZONE OF A PARCEL OF PROPERTY FROM A-20 (AGRICULTURAL 20 ACRES) TO OST-20 (OPEN SPACE TRANSITIONAL 20 ACRES) IN AN AREA GENERALLY LOCATED EAST OF HIGHWAY 18 AND SOUTH OF PINE VALLEY ROAD IN CENTRAL**

The Planning Commission voted unanimously to approve this zone change.

**MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2009-975-O, An Ordinance Changing The Zone Of A Parcel Of Property From A-20 (Agricultural 20 Acres) To OST-20 (Open Space Transitional 20 Acres) In An Area Generally Located East Of Highway 18 And South Of Pine Valley Road In Central. Motion seconded by Commissioner**

**Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2009-976-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10-1-14 OF THE WASHINGTON COUNTY CODE (CHANGES AND AMENDMENTS)**

Deputy Washington County Attorney David Patterson said that this amended ordinance changes the requirements for a notice for public hearing to conform to state statute.

**MOTION: Motion by Commissioner Drake to Adopt Ordinance No 2009-976-O, An Ordinance Amending And Superseding Title 10-1-14 Of The Washington County Code (Changes And Amendments). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2009-977-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 11-4-1 3J OF THE WASHINGTON COUNTY CODE (PRELIMINARY PLAT PROPOSED PLAN)**

Mr. Patterson explained that this is a housekeeping item that pertains to the division of responsibilities relative to waste water in the unincorporated areas of the County between Ash Creek Special Service District and the Washington County Water Conservancy District.

**MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2009-977-O, An Ordinance Amending And Superseding Title 11-4-1 3j Of The Washington County Code (Preliminary Plat Proposed Plan). Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2009-978-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 11-4-2 A9 OF THE WASHINGTON COUNTY CODE (PRELIMINARY PLAT PROPOSED PLAN)**

Mr. Patterson said that this is another housekeeping item wherein county engineers have requested revisions in the Code relative to easements.

**MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2009-978-O, An Ordinance Amending And Superseding Title 11-4-2 A9 Of The Washington County Code (Preliminary Plat Proposed Plan). Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1345, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN THE PINE VALLEY LOCAL DISTRICT AND WASHINGTON COUNTY TO PROVIDE ADDITIONAL LAW ENFORCEMENT SERVICES**

Mr. Patterson said that the Pine Valley Local District (PVLD) was created for the purpose of paying for additional law enforcement services, and this resolution approves the contract between Washington County and PVLD. Additional law enforcement is needed in Pine Valley especially between Memorial Day and Labor Day.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2009-1345, A Resolution Approving The Execution Of An Agreement Between The Pine Valley Local District And Washington County To Provide Additional Law Enforcement Services. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1346, A RESOLUTION APPROVING THE EXECUTION OF AMENDMENT #1 TO THE DRUG COURT CONTRACT BETWEEN THE UTAH DEPARTMENT OF HUMAN SERVICES / DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH AND WASHINGTON COUNTY TO PROVIDE FUNDING FOR THE WASHINGTON COUNTY DRUG COURT FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010**

This amendment reduces the amount of money furnished by the State to fund the Drug Court by approximately fifty thousand dollars (\$50,000.00). Chairman Eardley commented that, in light of recent spending cuts statewide, the County is fortunate to have any money at all for this program, which has proven to be very beneficial.

**MOTION:** Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1346, A Resolution Approving The Execution Of Amendment #1 To The Drug Court Contract Between The Utah Department Of Human Services / Division Of Substance Abuse And Mental Health And Washington County To Provide Funding For The Washington County Drug Court For The Period Of July 1, 2009 Through June 30, 2010. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1347, A RESOLUTION APPROVING THE EXECUTION OF A CARRIER FACILITY ACCESS AGREEMENT BETWEEN PARAMOUNT PETROLEUM CORPORATION AND**

**WASHINGTON COUNTY WHEREBY WASHINGTON COUNTY WILL PURCHASE, PICK UP, AND TRANSPORT PETROLEUM PRODUCTS FROM PARAMOUNT PETROLEUM CORPORATION**

Mr. Patterson requested that the Commission table this item pending further review and adjustment of the language of the contract by the County Attorney's Office.

**MOTION: Motion by Commissioner Drake to Table this Item, Pending Further Review by the Washington County Attorney's Office. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1348, A RESOLUTION APPROVING THE EXECUTION OF AN EQUIPMENT LEASE AGREEMENT AND AN EQUIPMENT SERVICE AGREEMENT**

This equipment lease and equipment service agreement is similar to one approved earlier this year. This contract provides for a color copier for the Habitat Conservation Plan (HCP).

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1348, A Resolution Approving The Execution Of An Equipment Lease Agreement And An Equipment Service Agreement. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF FINAL PLAT APPROVAL FOR WHISPERING PINES SUBDIVISION, PHASE II, 34 LOTS, CONTAINING APPROXIMATELY 45.29 ACRES, NW NE & SE 1 / 4 SECTION 12, T39S, R11W, SLB&M, GENERALLY LOCATED EAST OF TERRACE DRIVE SUBDIVISION ON KOLOB/ KARL RASMUSSEN, AGENT**

Washington County Planner Deon Goheen said that last year the Planning Commission approved the first phase of this subdivision and recommended approval of this second phase subject to the same restrictions contained in the minutes of that 2008 meeting.

**MOTION: Motion by Commissioner Drake to Grant Final Plat Approval For Whispering Pines Subdivision, Phase II, 34 Lots, Containing Approximately 45.29 Acres, NW NE & SE 1 / 4 Section 12, T39S, R11W, SLB&M, Generally Located East Of Terrace Drive Subdivision On Kolob, subject to Appropriate Bonding being in Place and Subject to the Restrictions contained in the 2008 Land Use Authority Meeting Which Considered Phase I of this Subdivision. Motion seconded by Commissioner Gardner and carried by**

**unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ROAD ABANDONMENT, PINTO TOWNSITE PLAT, GENERALLY LOCATED IN THE NE 1 / 4 SECTION 34, T37S, R15W2, SLB&M**

Resident John Hafen addressed the Commission, saying that this road has never been used as a road and dead-ends into the forest.

**MOTION: Motion by Commissioner Gardner to Approve the Road Abandonment, Pinto Townsite Plat, Generally located in the NE 1 / 4 Section 34, T37S, R15W2, SLB&M, subject to the County obtaining the legal description. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ADOPTION OF POLICY ON REDUCTION IN WORKFORCE, WASHINGTON COUNTY POLICY AND PROCEDURES MANUAL / SHERRIE LARSEN**

Human Resources Director Sherrie Larsen requested adoption of this policy concerning Reduction in Force (RIF), a copy of which is attached to these minutes. The new policy contains specific guidelines for County use in any reduction in force. She also requested that this new RIF policy replace the current "Job Abolishment" policy in the Washington County Policy and Procedures Manual.

**MOTION: Motion by Commissioner Gardner to Adopt Policy on Reduction in Force (RIF), Washington County Policy and Procedures Manual, Replacing the Current "Job Abolishment" Policy in the Washington County Policy and Procedures Manual. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PUBLIC WORKS OR ROAD BUSINESS**

Public Works Director Ron Whitehead requested that the public avoid the Gunlock Highway between the Town of Gunlock and Highway 91 while the Road Department is chip sealing it. This project will begin next week, and people are encouraged to take an alternate route.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

**Request an Executive Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:45 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN